

Exhibit G

Deposition of Peter Mowschenson, M.D. - Volume II

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UNITED STATES DISTRICT COURT

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DISTRICT OF VERMONT

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CIVIL ACTION NO. 5:16-cv-289

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KAREN E. O'CONNELL,

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Plaintiff,

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vs.

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SPRINGFIELD HOSPITAL, INC.,

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JOHN S. CIOCCHI, M.D., and

MEENA K. MOORTHY, M.D.,

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Defendants.

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DEPOSITION OF PETER MOWSCHENSON,

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M.D., a witness called on behalf of the

14

Defendants, pursuant to the provisions of

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the Vermont Rules of Civil Procedure, before

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Jill Shepherd, Registered Professional

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Reporter, MA-CSR #148608, NH-CSR #128,

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CA-CSR #13275, CLR, and Notary Public, in

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and for the Commonwealth of Massachusetts,

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at One Charles Street South, Boston,

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Massachusetts, on Thursday, June 14, 2018,

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commencing at 4:59 p.m.

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1 APPEARANCES :

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10 On Behalf of the Plaintiff and Deponent.

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1 I N D E X

2 WITNESS PAGE

3 PETER MOWSCHENSON, M.D.

4 Examination by Mr. Nolan 4

5 Examination by Mr. Spaneas 38

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9 E X H I B I T S

10 NO. DESCRIPTION PAGE

11 Exhibit 25 Medical Records 4

12 Exhibit 26 Letter 11/29/2017 4

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15 ALL EXHIBITS RETAINED BY MR. NOLAN

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1 Q. Did you read the entire deposition
2 transcript of Dr. Hyman?

3 A. Yes.

4 MR. SPANEAS: Objection.

5 I instruct the witness not to answer.

6 This deposition is limited to the
7 purpose of informed consent and the
8 reasonable and necessary -- whether or not
9 the bills reflect reasonable and necessary
10 services that Karen O'Connell received after
11 Dr. Ciocchi's October 1st, 2014 surgery.

12 Q. Dr. Mowschenson?

13 A. Yes.

14 Q. Do you have any response to Dr. Hyman's
15 deposition testimony?

16 MR. SPANEAS: I instruct the
17 witness not to answer the question.

18 MR. NOLAN: So George, I think
19 you've failed in your discovery obligations
20 to supplement Dr. Mowschenson's disclosures
21 to the extent that he is going to respond to
22 Dr. Hyman's deposition testimony. Hold on.
23 Let me finish. Then you can go.

24 You have an opportunity here, though

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1 depositions. So I'm instructing the witness
2 not to answer the question.

3 MR. NOLAN: So you are not going to
4 let him provide any testimony today with
5 regard to his reaction or response to
6 Dr. Hyman's testimony; is that correct?

7 MR. SPANEAS: Absolutely. It is
8 absolutely correct.

9 MR. NOLAN: So I think that's a
10 discovery violation. I love Boston. We're
11 close enough to trial and I really don't
12 want to come back down for yet another
13 deposition. So I will simply be moving in
14 limine to prohibit certain testimony by
15 Dr. Mowschenson if you are not going to
16 comply with the rules of discovery.

17 MR. SPANEAS: You don't even know
18 what his testimony would or may be about
19 Dr. Hyman's deposition transcript, because
20 we haven't disclosed any of it.

21 MR. NOLAN: Because -- that's
22 exactly the point, and because there's no
23 disclosure, there can be no testimony at
24 trial.

1 MR. SPANEAS: There may be later.
2 There may not be later. How we prepare for
3 trial is our business how we prepare for
4 trial, Mr. Nolan. You have no right to come
5 back for repeat depositions just like I
6 cannot go back and ask Dr. Hyman, Have you
7 read today's deposition? Have you looked at
8 Dr. Scheiman's testimony? Have you looked
9 at Dr. Flaherty's testimony? And now tell
10 me what your opinions are about that. I
11 have no right to keep going back, just like
12 you don't, Mr. Nolan.

13 MR. NOLAN: I disagree with your
14 view of the law --

15 MR. SPANEAS: But depositions can't
16 keep going on and on and on and on forever.
17 The obligation of supplemental disclosure
18 under the rules is if there's something that
19 I believe needs to be supplemented prior to
20 trial, I will do my due diligence to that.

21 MR. NOLAN: Well, it's not based on
22 your belief. It's based on what's required
23 under the law as a supplement.

24 MR. SPANEAS: I understand what it

C E R T I F I C A T E


COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX, SS.

I, Jill Shepherd, Notary Public, in
and for the Commonwealth of Massachusetts,
do hereby certify that:

PETER MOWSCHENSON, M.D., the witness
whose deposition taken on June 14th, 2018 is
hereinbefore set forth, was satisfactorily
identified by means of driver's license, and
was duly sworn by me, and that the foregoing
transcript is a true and accurate record of
the testimony given by such witness and such
testimony is a true and accurate
transcription of my stenotype notes to the
best of my knowledge, skill, and ability.

I further certify that I am not
related to any of the parties in this matter
by blood or marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand and notarial seal this 25th day
of June 2018.


Jill Shepherd, RPR
Notary Public

My Commission expires: April 9, 2021

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